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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,924	12/08/2005	Jens Altemark	SCH-16364	1489
40854	7590	03/01/2007	EXAMINER	
RANKIN, HILL, PORTER & CLARK LLP			GONZALEZ, JULIO C	
4080 ERIE STREET			ART UNIT	PAPER NUMBER
WILLOUGHBY, OH 44094-7836			2834	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/559,924	ALTEMARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 18-20, 22 and 23 is/are rejected.
- 7) Claim(s) 15-17, 21 and 24-38 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: there is a period in line 14. Such period must be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 recites the limitation "the hookup element" in 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear which module assumes fully function when the other module fails.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 - 3, 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben (US 6,946,750) in view of Erdman et al (US 2003/0227172).

Wobben discloses a wind turbine having a stator for a wind turbine (see abstract) and having a function module (elements 141, 142, 161, 162, 181, 182) and a parallel module (elements 143, 163, 183) which can be connected in parallel (see figure 2) and in the event of one malfunction the other module maintains power generation (column 6, lines 1-4; column 7, lines 28-31).

However, Wobben does not disclose explicitly a wind plant showing a rotor with a blade connected to a generator.

On the other hand, Erdman et al discloses for the purpose of enhancing the ability of wind turbines, a wind turbine 1 having blades (see figure 1) and the turbine being connected to a generator 25 (see figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind turbine as disclosed by Wobben and to show explicitly having a wind rotor connected to a generator for the purpose of enhancing the ability of wind turbines as shown by Erdman et al.

7. Claims 4 - 7, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben and Erdman et al as applied to claim 1 above, and further in view of Rebsdorf et al (US 6,566,764).

The combined wind turbine discloses all of the elements above. However, the combined wind turbine does not disclose using a computer and software for controlling the wind turbine.

On the other hand, Rebsdorf et al discloses for the purpose of protecting the circuitry efficiently of a wind turbine, a controller 700 having computerized devices (see figure 7) and further using software (column 21, lines 23-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind turbine as disclosed above and to use a controller using computer/software for the purpose of protecting the circuitry efficiently of a wind turbine as disclosed by Rebsdorf et al.

8. Claims 9 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben, Erdman et al and Rebsdorf et al as applied to claims 1, 4 above, and further in view of Thompson et al (US 5,973,481).

The combined wind turbine discloses all of the elements above. However, the combined wind turbine does not disclose using a remote maintenance device.

On the other hand, Thompson et al teaches for the purpose of improving the voltage and frequency regulation in power systems that maintenance remote monitoring is well known in the art (see figures 1) and that computers are involved (see figure 5) and that the system can be implemented to wind turbines (see claim 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind turbine as disclosed above and to use a remote maintenance monitoring system for the purpose of improving the voltage and frequency regulation in power systems as disclosed by Thompson et al.

9. Claims 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben and Erdman et al as applied to claim1 above, and further in view of Quynn (US 4,584,486).

The combined wind turbine discloses all of the elements above. However, the combined wind turbine does not disclose that the rotor blade can be angularly adjusted.

On the other hand, Quynn discloses for the purpose of maximizing the power output without creating mechanical instability that the blade angle in wind

turbines can be adjusted/changed depending on the need (see abstract & figures, 4, 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind turbine as disclosed above and to adjust the angle of the blades for the purpose of maximizing the power output without creating mechanical instability as disclosed by Quynn.

***Allowable Subject Matter***

10. Claims 15 - 17, 21, 24 – 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11.

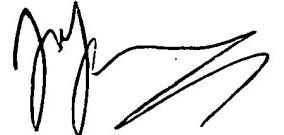
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julio C. Gonzalez  
Primary Examiner  
Art Unit 2834

Jcg

February 22, 2007